

**CITY OF HAZELWOOD
PLAN COMMISSION MEETING
MAY 13, 2021**

CALL TO ORDER A meeting of the City Plan Commission was called to order by Chairman Matt Struttmann at 7:00 P.M. on Thursday, May 13th, 2021, via Zoom video and phone conferencing.

ROLL CALL On roll call the following members of the commission were in attendance:

Mark Rodell	Matt Struttmann
John Gatzert	Dennis Lammert
Lisa Kozieja	Barb Stogsdill

Mr. Struttmann declared a quorum was present. Also in attendance were City Manager Matt Zimmerman, City Planner Kate Crimmins, and Project Development Coordinator Nikki Miller.

AGENDA Mr. Gatzert made a motion, seconded by Mr. Rodell, to adopt the agenda as written.

APPROVAL OF MINUTES Mr. Rodell made a motion, seconded by Mr. Lammert, to approve the minutes of the April 8th meeting.

NEW BUSINESS – PETITIONS

A. Case #436-21 – Elusive Developments LLC, d/b/a Cuzzin’s, 7213 C N. Lindbergh Boulevard, Ward 1.

1. Petition for a Special Land Use Permit for a Restaurant in a C-2 General Commercial Zoning District.

Ms. Grimes has proposed to open Cuzzin’s, a quick serve, carry out only restaurant at 7213 C N. Lindbergh Boulevard. The unit is an existing restaurant space in the Hazelwood Office Park strip mall. The unit is approximately 800 square feet and has been vacant since 2013.

The strip mall is zoned C-2 General Commercial and all immediate surrounding parcels and uses are also commercial. Other tenants in the strip mall are an auto brokerage, a clothing boutique, two barber/beauty shops, an office for in-home health care, and a takeout pizza restaurant. The sit-down restaurant approved by the Plan Commission in January 2021, once open, will be next door.

Cuzzin’s will be carry out only, with 10 chairs in the waiting area for those waiting to pick up their food. There is no indoor or outdoor dining planned and no restroom open to the public. The floor plan shows a separate lobby with service counter for ordering and picking up food, and a kitchen in the rear. The food will be cooked to order and includes salads, sandwiches,

chicken wings and seafood. Breakfast foods will also be served on Saturday mornings. The hours will be 11:00 AM to 9:00 PM on Tuesday-Friday, and 9:00 AM to 9:00 PM on Saturday. It will be closed Sunday and Monday. They are not seeking a liquor license.

The strip retail center was foreclosed on in 2015 and had been bank owned until earlier this year, when it was purchased by a locally owned real estate investor who has been involved in the Special Land Use Permit (SLUP) process.

The City's off-street parking requirements for restaurants are based on the number of seats inside the restaurant. There are no listed parking requirements for carry out only restaurants. The code states that for uses not specifically listed, the appropriate number of required minimum spaces shall be determined by the Zoning Administrator. With a total of 59 parking spaces for the strip area, not including the larger restaurant space at the end, an adequate amount of parking is available.

The Land Use Map of the Comprehensive Plan indicates the subject site to be Commercial. The proposed use is consistent with the Comprehensive Plan.

Staff recommends that the Plan Commission approve the Special Land Use Permit for a Restaurant with the following conditions:

1. That adequate exterior and parking lot lighting shall be provided per code requirements and kept in working order to provide for the public safety.
2. That the existing dumpster be enclosed per Code.

Yolanda Grimes gave a presentation on the proposed business.

Mr. Rodell asked if there was a rear entrance to the building and where the trash enclosure and grease pit would be located.

Ms. Grimes responded that there is no rear entrance and she has a proposed location for the grease pit but needs to discuss that location with the owner.

Mr. Rodell asked if the existing dumpster needed to be enclosed to meet Code and recommended that the dumpster be enclosed.

Mr. Gatzert asked if cameras would be required for this location.

Mrs. Crimmins responded that cameras are typically required for restaurants with liquor licenses.

Mr. Rodell made a motion, seconded by Mr. Struttmann, to approve the petition for a Special Land Use Permit for a Restaurant in a C-2 General Commercial Zoning District with the staff recommended conditions.

A roll call vote as held.

AYE - 6 NAY - 0
Mark Rodell
John Gatzert
Lisa Kozieja
Matt Struttmann
Dennis Lammert
Barb Stogsdill

The motion passed, 6-0.

UNFINISHED BUSINESS

B. Case #435-21 – City of Hazelwood.

1. **Petition to Change the Zoning Code**, Appendix A: Use Regulations of Chapter 405: Zoning Regulations of Title IV. Land Use and Section 405.040: Definitions of Terms of Article II. Definitions of Chapter 405: Zoning Regulations of Title IV. Land Use regarding the regulation of establishments that sell, distribute, repair, build, or customize firearms or firearm accessories, and the regulation of establishments that sell or distribute ammunition.

Mrs. Crimmins stated that the proposed changes to the Zoning Code would create two (2) new definitions for gunsmith and ammunition sales and would also create categories in the Use Code which will require a Special Land Use Permit.

Hazelwood Police Chief Gregg Hall explained the Police Department's recommendation for requesting this change to the Zoning Code. Chief Hall stated that certain types of businesses are targeted based on their operation or items they sell (e.g. guns or other weapons) and the Police Department would like to ensure safe operation of the business and mitigate any potential risk to the surrounding residential or commercial areas.

Mr. Rodell asked if the Police Department was concerned about just firearms or all weapons.

Chief Hall responded that firearms and ammunition are the highest level of targets. He also clarified a question from the previous Plan Commission meeting and stated that shotgun shells would fall under the City's definition of ammunition.

Mr. Lammert asked if cameras would be required at businesses that sell guns or ammunition.

Mrs. Crimmins stated that specific conditions such as cameras and security systems can be required during the SLUP process.

Mr. Gatzert asked if a vault or gun safe with a three (3) hour fire rating would be required.

Chief Hall responded that the business should be required to have a vault or safe that meets those specifications.

Ms. Stogsdill asked if other nearby cities, specifically Florissant and Bridgeton, had similar provisions in their Zoning Code related to firearm and ammunition sales.

Mrs. Crimmins responded that several other cities such as Maryland Heights and O'Fallon have similar provisions in their Code. She stated that Florissant does not mention guns in their Use Code, but that does not necessarily mean there are no regulations for guns as Zoning Codes often state that any use not listed is considered a prohibited use.

Mr. Gatzert asked if the boutique on Brookes Drive had a permit to sell firearms.

Mrs. Crimmins responded that the business has obtained a business license for selling accessories and has been working to obtain their federal firearms license.

Chief Hall stated that the business is in compliance and is currently selling firearms.

Mr. Zimmerman stated that requiring a federal firearms license can be a condition of receiving a SLUP.

Mr. Rodell asked if the existing firearms business could obtain a SLUP once the changes to the Zoning Code were approved.

Chief Hall responded that they could inquire if the business would like to go through that process.

Mr. Rodell asked if the Plan Commission could amend the Zoning Code in the future to include all weapons.

Mr. Zimmerman responded affirmatively.

Mr. Rodell made a motion, seconded by Mr. Struttmann, to approve the petition to Change the Zoning Code, Appendix A: Use Regulations of Chapter 405: Zoning Regulations of Title IV. Land Use and Section 405.040: Definitions of Terms of Article II. Definitions of Chapter 405: Zoning Regulations of Title IV. Land Use regarding the regulation of establishments that sell, distribute, repair, build, or customize firearms or firearm accessories, and the regulation of establishments that sell or distribute ammunition.

A roll call vote as held.

<u>AYE - 6</u>	<u>NAY- 0</u>
Mark Rodell	
John Gatzert	
Lisa Kozieja	
Matt Struttmann	
Dennis Lammert	
Barb Stogsdill	

The motion passed, 6-0.

DISCUSSION ITEMS – Mr. Struttmann was elected to serve as Chairman for the next year. Mr. Rodell was elected to serve as Co-Chairman for the next year.

The Plan Commission members agreed to receive gift cards in lieu of the annual commission dinner.

Mr. Rodell asked if staff would look into amending the Zoning Code to add a requirement for parking spaces for restaurants that do not have indoor dining.

CORRESPONDENCE - None.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS - None.

COMMISSION MEETING The next meeting is scheduled for June 10th, 2021.

ADJOURNMENT There being no further business to come before the City Plan Commission, the meeting was adjourned at 7:47 P.M.

Matt Struttmann, Chairman

Nikki Miller, Project Development Coordinator